



HAND CARRY

IFW  
AT  

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: LIVAK et al. Confirmation No.: 9176  
Serial No.: 09/816,150 Art Unit: 1634  
Filed: March 26, 2001 Examiner: Fredman, J.N.  
For: IMPROVED INVASION ASSAY Attorney Docket No.: 9584-018-999  
(JD 103639-999017)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated May 3, 2004 of the Primary Examiner finally rejecting claims 1-5, 8-11 and 14-16 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for 1 month(s):  
☐ was filed on  
☒ is submitted herewith.
2. ☒ A timely response to the final rejection is filed herewith.
3. ☒ A fee in the amount of \$330.00 is:  
☒ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☐ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$165.00 is:  
☐ Required.  
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: August 31, 2004

Max Bachrach 45,479  
(Reg. No.)  
for Samuel B. Abrams (Reg. No. 30,605)  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
(202) 879-3939

09/01/2004 CNGUYEN 00000038 503013 09816150

01 FC:1401 330.00 DA